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November 22, 2022

VIA ECF AND E-MAIL
(failla_nysdchambers@nysd.uscourts.gov)

MEMO ENDORSED

The Honorable Katherine Polk Failla
District Judge
United States District Court for the Southern
District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *Michael Simon Interiors, et al. v. Wells Fargo Bank, N.A., et al.*,
Case No. 1:22-cv-08352-KPF

Dear Judge Failla,

We are counsel for plaintiffs, Michael Simon and Michael Simon Interiors, Inc. in the above-referenced matter.

I write to inform the Court, pursuant to Your Honor's November 1, 2022 Order, that Plaintiffs served process on defendant Boarder Concepts, LLC on September 21, 2022 through the New York Secretary of State. A true and correct copy of the ECF stamped affidavit of service is attached as **Exhibit 1** and was filed on ECF as docket number **11**.

Plaintiffs have not yet served defendant Christopher Balan, as we have not yet been able to locate Mr. Balan, despite our ongoing efforts, which we will continue to make.

Respectfully submitted,

/s/ Michael T. Contos

Michael T. Contos, Esq.

cc: Justin Kerner, Esq. *via* electronic mail and ECF

The Court is in receipt of Plaintiff's above update. Plaintiff is reminded that failure to effectuate service on Mr. Balan within the period defined by Federal Rule of Civil Procedure 4(m) may result in without-prejudice dismissal of the claims against him. The Court will, of course, extend that deadline upon good cause shown.

The Clerk of Court is directed to terminate the motion at docket entry 12.

SO ORDERED.

Dated: November 22, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE